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18 Attorneys for Defendant
19 Touch-Tel USA, LLC
20 (identified by plaintiffs as "Touch-Tel U.S.A., L.P.")

21 UNITED STATES DISTRICT COURT
22 CENTRAL DISTRICT OF CALIFORNIA

23 CRESCENCIO GALVEZ, CARMEN
24 ACUNA, and GUADALUPE GALVEZ,
25 individually and on behalf of all others
26 similarly situated,

27 Plaintiffs,

28 v.

TOUCH-TEL U.S.A., L.P. dba
TOUCH-TEL USA, LLC,

Defendant.

Case No.: 2:08-CV-05642 RGK

DEFENDANT'S NOTICE OF
MOTION AND MOTION FOR
SUMMARY JUDGMENT

Date: March 21, 2011
Time: 9:00 a.m.
Room: 850 Roybal Federal Bldg.

TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on Monday, March 21, 2010, at 9:00 a.m., or
as soon thereafter as counsel may be heard by the above-entitled Court, located at

DEFENDANT'S NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT

1 Court Room 850 of the Roybal Federal Building at 255 East Temple Street, Los
 2 Angeles, California 90012, defendant Touch-Tel USA, LLC (identified by
 3 plaintiffs as "Touch-Tel U.S.A., L.P.") will and hereby does move the Court for
 4 summary judgment on the ground that there is no genuine issue as to any material
 5 fact and that the moving party is entitled to judgment as a matter of law for the
 6 reasons that: (1) plaintiffs lack Article III standing to assert any claim for
 7 injunctive or declaratory relief; (2) plaintiffs lack statutory standing under sections
 8 17200 and 17500 of the California Business & Professions Code; (3) plaintiffs lack
 9 statutory standing under section 1750 of the Civil Code of California; and (4)
 10 plaintiffs cannot prove one or more essential elements of their claims for breach of
 11 contract and money had and received and unjust enrichment.

12 This motion is made following the conference of counsel pursuant to L.R. 7-
 13 3 which took place on January 22, 2010, the Court's Minute Order of February 7,
 14 2011 (ECF No. 178) and is based upon the following:

- 15 1. Defendant's Notice of Motion and Motion for Summary Judgment;
- 16 2. Memorandum of Points and Authorities filed concurrently herewith;
- 17 3. Declaration of William Stankos previously filed under seal with the
 18 Court on October 2, 2009 [Dkt. #98]
- 19 4. Declaration of Eric Sooter, previously filed under seal with the Court
 20 on October 2, 2009 [Dkt. #97];
- 21 5. Declaration of Justo G. Gonzalez filed concurrently herewith;
- 22 6. Statement of Undisputed Material Facts and Conclusions of Law;
- 23 7. Proposed Judgment with Findings of Fact & Conclusions of Law
- 24 8. Notice of Motion and Motion to File Under Seal and Memorandum of
 25 Points & Authorities in Support Thereof;
- 26 9. Proposed Order Granting Motion to File Under Seal
- 27 10. All pleadings and papers on file in this action, and upon such other
 28 matters as may be presented to the Court at the time of the hearing.

DEFENDANT'S NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT

1 DATED this 7th day of February, 2011.

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4 By: /s/ Justo G. Gonzalez
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25 (identified by plaintiffs as "Touch-Tel U.S.A., L.P.")
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